

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ERICK MOEN,	)	4:12CV3079
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
LANCASTER COUNTY	)	
CORRECTIONS,	)	
	)	
Respondent.	)	

This matter is before the court on its own motion. On April 20, 2012, Plaintiff Erick Moen (“Moen”) filed a Petition for Writ of Habeas Corpus and a Motion for Leave to Proceed in Forma Pauperis. (Filing Nos. [1](#) and [2](#).) On May 9, 2012, the court determined that Moen’s prisoner trust account contained an average monthly balance of \$100 or more for the six-month period immediately preceding the filing of the petition. (Filing No. [5](#).) As such, it ordered Moen to pay the \$5.00 filing fee because he has the financial ability to do so. (*Id.*) The court warned Moen that failure to pay the filing fee by June 8, 2012, could result in dismissal of his case without further notice. (*Id.*) The June 8, 2012, deadline has passed and Moen has not paid the filing fee. (See [Docket Sheet](#).) Therefore, Moen’s claims are dismissed for failing to comply with the court’s May 9, 2012, Memorandum and Order.

IT IS THEREFORE ORDERED that: Moen’s Petition is dismissed without prejudice because he failed to comply with this court’s orders. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 18<sup>th</sup> day of June, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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